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DISCLOSURE UNDER FOIA**

December 7, 2021

**By Electronic Mail**

Mary E. Greene  
Director  
Air Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 2201A  
Washington, DC 20460

Re: Hickok – Follow Up to November 30, 2021 Notification of Force Majeure Event

Dear Ms. Greene:

Birla Carbon USA, Inc. (“Birla” or the “Company”) submits this follow up letter to the November 30, 2021 notification of force majeure event that was submitted pursuant to Paragraphs 72 and 73 of the June 11, 2018, Consent Decree between the United States of America, the Louisiana Department of Environmental Quality (“LDEQ”), the Kansas Department of Health and Environment (“KDHE”), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018). This follow up letter provides additional information regarding the resolution of the equipment failure related to the NOx Continuous Emission Monitoring System (“CEMS”) at Birla’s Hickok facility (“Hickok”).

As discussed in the November 30, 2021 letter, Hickok experienced an unanticipated equipment failure that caused the CEMS to stop function properly on November 26, 2021. On November 29, 2021, on guidance from the equipment supplier, Birla sent its NOx analyzer to the equipment supplier via overnight express for evaluation and repair. On December 6, 2021, the equipment supplier returned the NOx analyzer, and the NOx analyzer was successfully recalibrated and reinstalled. On December 7, 2021, the NOx analyzer was returned to service and is currently operating without issue.

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We will update you with more details as they become available. Please contact David Buente at 202-255-8684 or [dbuente@sidley.com](mailto:dbuente@sidley.com) if you have any questions in the meantime.

Sincerely,



Randy Waskul  
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)  
Patrick Foley, U.S. EPA (by email)  
Chris Williams, U.S. EPA (by email)  
Carlos Evans, U.S. EPA Region 6 (by email)  
Emad Shahin, U.S. EPA Region 6 (by email)  
Lisa Gotto, U.S. EPA Region 7 (by email)  
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Thomas Mariani, U.S. DOJ (by email)  
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